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JESSE HERRING and CARL MCKNIGHT

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA, FRESNO

TIA VANG, YER XIONG,	)	CASE NO. 1: 05 CV 161 REC-DLB
	)	
Plaintiffs,	)	STIPULATED PROTECTIVE ORDER
	)	RE: AUTOPSY PHOTOGRAPHS AND
vs.	)	AUTOPSY REPORTS OF DECEDENT
	)	VUE XIONG TAKEN BY OR
	)	AT THE DIRECTION OF THE FRESNO
FRESNO POLICE OFFICERS, CARL	)	COUNTY CORONER'S OFFICE
McNIGHT, JESSE HERRING and DOES	)	
1-50,	)	
	)	
Defendants.	)	
	)	
	)	

It is stipulated by and between the parties through their respective counsel and ordered by the Court that the County of Fresno may release to counsel in this case, all photographs taken by or at the direction of the Fresno County Coroner's Office in connection with the death of Vue Xiong, including but not limited to, autopsy reports and autopsy photographs. Based on the foregoing, IT IS HEREBY STIPULATED:

1. The subject documents are to be designated as "Confidential Material." Such designations shall be made by stamping or otherwise marking the material prior to use in this litigation, as follows: "Confidential material subject to protective order."

1           2.       The "Confidential Material" shall be used solely in connection with this litigation  
2       in the preparation and trial of this case, or any related proceeding, and not for any other purpose  
3       or in any other litigation.

4           3.       The "Confidential Material" may be disclosed only to the following persons:

- 5                   a)   counsel for any party to this action;  
6                   b)   paralegal, clerical, and secretarial personnel regularly employed by counsel  
7       referred to in (a), including stenographic deposition reporters retained in connection with this  
8       action;  
9                   c)   court personnel including stenographic reporters engaged in proceedings as  
10      are necessarily incidental to preparation for the trial of this action;  
11                  d)   any outside expert or consultant retained in connection with this action and  
12      not otherwise employed by either party;  
13                  e)   any in-house expert designated by all Parties to testify at trial in this matter;  
14                  f)   witnesses may have the documents disclosed to them during deposition  
15      proceedings, arbitration and/or trial, only; the witnesses may not leave the deposition, arbitration  
16      or trial with copies of the documents, and shall be bound by the provisions of paragraph 4;  
17                  g)   the finder of fact at the time of trial subject to the court's rulings on in limine  
18      motions and objections of counsel.

19          4.       Each person to whom disclosure is made with the exception of counsel who are  
20      presumed to know of the contents of this protective order shall, prior to the time of disclosure,  
21      be provided by the person furnishing him/her such material, a copy of this order, and shall agree  
22      on the record or in writing that he/she has read the protective order and that he/she understands  
23      the provisions of the protective order. Such person must also consent to be subject to the  
24      jurisdiction of the United States District Court, Eastern District of California, Fresno with  
25      respect to any proceeding related to enforcement of this order, including without limitation, any  
26      proceeding for contempt. Provisions of this order insofar as they restrict disclosure and use of  
27      the material shall be in effect until further order of this Court.

28          5.       Any document filed with the Court that reveals confidential material shall be

1 filed under sealed label with a cover sheet as follows: "This document is subject to a protective  
2 order issued by the Court and may not be copied or examined except in compliance with that  
3 order." Such documents shall be kept by the Court under seal and made available only to the  
4 Court or counsel.

5 6. At the conclusion of this litigation, all confidential material received under the  
6 provisions of this order, including copies made, shall be destroyed. The conclusion of litigation  
7 means the termination of the case following applicable post-trial motions, appeal and/or retrial.

8 **IT IS SO AGREED.**

9  
10 Dated: May 27, 2005

/s/ James C. Holland

James C. Holland,  
Attorney for Plaintiffs

11  
12 **IT IS SO AGREED.**

13  
14 Dated: May 25, 2005

WEAKLEY, RATLIFF, ARENDT & MCGUIRE, LLP

15 By: /s/ James D. Weakley

16 James D. Weakley  
Attorneys for Defendants

17  
18 IT IS SO ORDERED.

19 **Dated: June 3, 2005**  
20 3b142a

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE